

Female kicker wins discrimination court case

By Paul Nowell
The Associated Press

GREENSBORO, N.C. — A jury awarded a female place-kicker \$2 million in punitive damages Thursday, ruling Duke University cut her from the team solely because of her gender.

Jurors deliberated just over two hours before deciding the school discriminated against Heather Mercer, who graduated in 1998. They met briefly after arguments on damages to rule Duke must pay a \$1 compensatory penalty and the larger amount as punishment.

"I feel great. ... I consider it a complete victory. Any monetary award is completely icing on the cake," Mercer said. "I wanted to be told what they did was wrong, and it was."

Lawyer Burton Craig said Mercer, who now works for Charles Schwab & Co. in New York, will use the award to finance a scholarship for female place-kickers. Her own football career is over, he said, but she will continue with fencing.

The university claimed Mercer, now 24, wasn't talented enough to play for a Division I football team. The jurors ruled sex was the motivating factor in the way she was treated and that Duke officials, informed of her complaints, failed to act.

Duke lawyer John Simpson said no decision has been made on whether to appeal the federal jury's ruling.

"We're disappointed by it. Like they say in football, I left everything on the field," he said.

During deliberations, jurors asked to see videotapes of Mercer and other kickers practicing. They also reviewed the transcript of a conversation between Mercer and assistant football coach Fred Chatham that Mercer taped secretly.

They also sought from Judge James Beaty a definition of the phrase "deliberate indifference," meaning whether Duke officials knew Mercer was having problems and did nothing to correct them.

To award compensatory damages, jurors had to find Mercer suffered actual financial losses because of Duke's actions. For punitive damages, they had to find Duke acted with malice and reckless indifference.

In closing arguments Thursday, Mercer's lawyers said she wanted to be treated like any other member of the football team. That's exactly what happened, the attorney for Duke said.

"(Coach) Fred Goldsmith chose not to see Heather Sue Mercer as a football player," said Melinda Lawrence, an attorney for Mercer. "He chose not to see her skills. He chose only to see her as a woman."

Simpson said the case was not about discrimination but about a young woman naive to the cold reality of Division I football, and penalized Goldsmith for being a nice guy and trying to help Mercer.

He pointed out that male kickers who were not members of a scout team — which played against the first-string team in practice — also

were cut, and reminded jurors that six other kickers on the team at the time testified Mercer lacked the necessary skills.

Mercer testified Wednesday she was able to kick 48-yard field goals, although she was more comfortable from 43 yards.

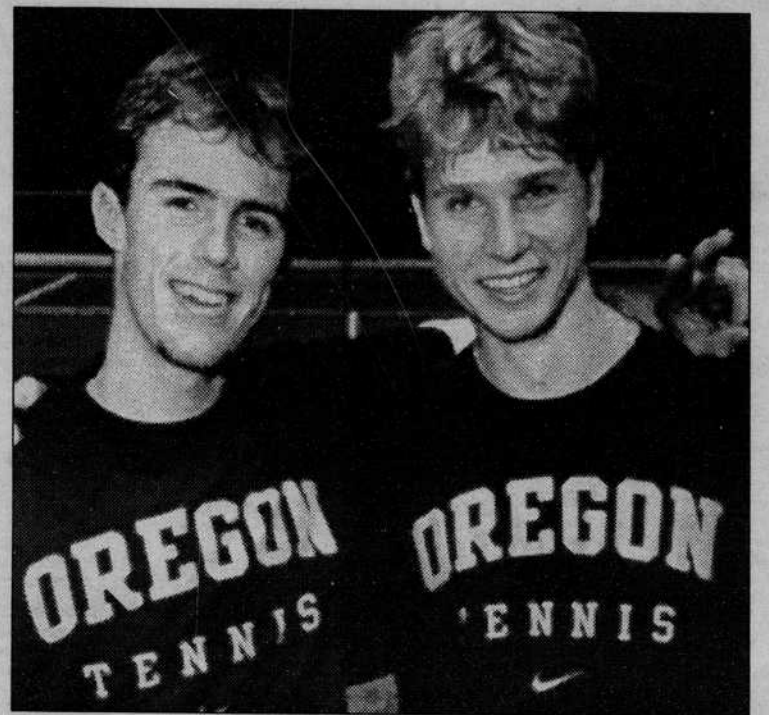
Her former coach and most of her fellow kickers disagreed, saying she just wasn't good enough to kick against teams like Florida State and Clemson.

Mercer never suited up for a Duke game. In September 1999, Colorado walk-on kicker Katie Hni-

da became the first woman to dress for a Division I-A football game, but didn't play in the game against Kansas.

Donna Lopiano, executive director of the Women's Sports Foundation, said the ruling will make schools take female athletes seriously when they try out for male teams, "and that's only right."

"This court decision is consistent with federal court decisions in that girls need to be allowed to play on boys' teams, especially when there is not a team for the girls," she said.



Thomas Schneider (left) became the second player from the 1998 recruiting class to leave the team. Bertrand Devillers (right) was the first to do so.

Tennis

continued from page 7A

This year's losses leave the Duck men one player shy of a complete lineup. Sophomore Oded Teig has emerged as Oregon's go-to player and leader on the court.

Other than Teig, however, the Ducks are young and unproven. Senior David Becker is the only upperclassman left on the team. Sophomore Jason Menke has also

had significant varsity playing time.

The absences still put pressure upon freshman recruits Buck Mink and Chris King. Both performed well in Fresno and will be asked to step up their level of play this season.

Russell said that he expects three more players to join the team by the beginning of Pac-10 play in January.

Women's tennis kicks off season

The Oregon women's tennis team begins the 2000-01 campaign this weekend at the San Diego State Fall Classic.

The three other teams that will be on hand for the competitive event are host San Diego State, UC Santa Barbara and the University of San Diego.

San Diego State finished the 2000 dual season with a No. 27 ranking, while the Ducks and USD followed at No. 55 and No. 75, respectively.

Four singles and two doubles flights will begin at 9 a.m. at the Cox Arena courts on the San Diego State campus.

San Diego's Katarina Valkyova headlines the tournament entrants. The native of Bratislava, Slovakia, is ranked No. 38 in the ITA preseason polls. UCSB's Uzma Khan is ranked No. 61.

Sophomore Monika Geiczys leads the Oregon contingent. Also expected to compete are juniors Janice Nyland, Adeline Arnaud and Valerie Young.

The Ducks will face the Aztecs and San Diego again later in the season.

Cross country

continued from page 7A

have significant experience as well. "Last year we took four freshmen," Heinonen said. "Now we have five of seven girls who have NCAA experience and only one freshman."

A trio of seniors lead the women's team: transfer Hanna Smedstad, Katie Crabb and Rhianon Glenn.

The Ducks also have a strong sophomore class in Eri MacDonald, Erinn Gulbrandsen and transfer

Carrie Zografos. Freshman Laura Harmon is also entered in the meet.

On the men's side, senior Michael Kasahun and sophomore Jason Hartmann lead the pack. They are followed by veterans Adam Bergquist, Sam Hill and Lincoln Nehring.

Competing for the final varsity spots in Ames are freshmen Chris Clancy, Aaron Emery, Bret Holts, John Lucas and Noel Paulson.

The men's Division 1 10,000-meter race begins at 8:30 a.m., followed immediately by the women's 6,000-meter race.

THINK DEEP THOUGHT'S.



All new college pricing:
Season pass: \$475*
Daily lift ticket: \$32

*Offer ends Oct. 31. Some restrictions apply.

Mt Bachelor
www.mtbachelor.com
800-829-2442

